IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1420 of 1997

Between:

J.S.N.Chowdhury S/o J.Sheshaiah
R/o B-69,S.V.N.,Colony, Guntur -522 006

..... PETITIONER

AND

1. The Government of Andhra Pradesh, Rep. by its Secretary, Irrigation Department,Secretariat,Hyderabad.
2. Adminstrator-cum-Chief Engineer,Right Canal,Nagarjuna Sagar Canal,Guntur.
3. Chief Engineer,Left Canal, Hill Colony, Dam site Vijyapuri, Nalgonda.
4. Administrator,Nagarjuna Sagar Left canal, Khammam C.A.D.A.
5. Commissioner, Command Area Development, Himayat Nagar,Hyderabad-29(CAD).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate, writ, order or direction, declaring the action of the respondents in not supplying water to the tail en ayacutdars after excluding certian areas, namely,Anti-Maleria Zones,etc., and not including certain areas called tobacco exclusions in to the ayacut as illegal, unjust, violative of Article 14 of the constitution of India as it amounts to arbitrary exercise of power and also violative of Article 21 besides being contrary to A.:P.Irrigation Utilisagation and Command Area Development Rules,1985 and issue the consequential directions to the respondents to supply water to the tail end ayacutdars after excluding certian areas, namely, Anti

Malaria Zone, etc., while including Certain areas called Tobacco exclusions into the localised ayacut and pass such order as this honourable court deem fit and proper in the circumstances in the case.

Counsel for the Petitioner: MR.K.R.PRABHAKAR

Counsel for the Respondents.: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER :

When the matter is taken up for hearing, the learned Counsel representing the petitioner stated that the Writ Petition became infructuous.

In view of the said submission, the Writ Petition is hereby dismissed as infructuous. No costs.

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P.S.NARAYANA, J,

Date : 26th November, 2004

Dvs

To

1. The Secretary, Irrigation Department,Secretariat,Hyderabad.
2. Adminstrator-cum-Chief Engineer,Right Canal,Nagarjuna Sagar Canal,Guntur.
3. Chief Engineer,Left Canal, Hill Colony, Dam site Vijyapuri, Nalgonda.
4. Administrator,Nagarjuna Sagar Left canal, Khammam C.A.D.A.
5. Commissioner, Command Area Development, Himayat Nagar,Hyderabad-29(CAD).

6. Two CCs to the GP for Irrigation and Comm Area Dev.High Court of A.P. Hyderabad(OUT)

7. Two CDs copies.

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.1420 of 1997

Dated 26th November, 2004